Mr. P. J. George *(Joint Secretary to Government):*

(*a*) Yes.

(*b*) This can be known only after Government consider the report of the scheme which is being prepared by an Expert Engineer.

TRICHUR ROUND—RENT FOR FOOT-PATH

486. Mr. C. R. Iyyunni *(Trichur-South):* Will the Government be pleased to state.—

(*a*) whether they have passed an order asking the Trichur Municipality to pay Rs. 1,500 per year as rent for the foot-path round the "Round";

(*b*) has the municipality been consulted before the order was passed;

(*c*) what is the amount that the municipality has spent for the foot-path and the dwarf wall;

(*d*) was there a joint report by the Chairman and the Devaswam authority before the foot-path work was undertaken;

(*e*) will the Government be pleased to place the same, if any, on the table?

Mr. P. J. George *(Joint Secretary to Government):*

(*a*) Yes. Government have ordered that the Trichur Municipality will accept a lease of the land taken from the Thekkinkad maidan for the foot-path and the dwarf wall under the Devaswam in consideration for an annual contribution of Rs. 1,500 to the Devaswam Department.

(*b*) The Commissioner of the Trichur Municipality was consulted and the order was based on a joint report by the Diwan Peishkar, the Devaswam Commissioner and the Commissioner, Trichur Municipality.

(*c*) Rs. 28,513.

(*d*) Yes.

(*e*) The Government do not think it necessary to place the report on the table.

Mr. C. R. Iyyunni *(Trichur-South):* May I know whether the Commissioner of Trichur Municipality is a Government servant?

Mr. President: Why do you ask such an obvious question? He is a Government servant deputed for that purpose.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. C. R. Iyyunni *(Trichur-South):* May I know whether the Trichur Municipality has been consulted before fixing this Rs. 1,500 as a lease amount?

Mr. P. J. George *(Joint Secretary to Government):* That has been given in the answer. The Commissioner has been consulted.

Mr. C. R. Iyyunni *(Trichur-South):* My question is whether the Trichur Municipality has been consulted before this order was issued by the Government saying that they have to pay Rs. 1,500 to the Devaswam Department.

Mr. P. J. George *(Joint Secretary to Government):* There is no information. It is the Commissioner that has been consulted by the Government.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* But, does the Commissioner represent the Municipality?

Mr. C. R. Iyyunni *(Trichur-South):* Has the Government enquired whether the Commissioner has consulted the Municipal Council when he made this report?

Mr. P. J. George *(Joint Secretary to Government):* No enquiry has been made.

Mr. C. R. Iyyunni *(Trichur-South):* May I know whether the question of paying Rs. 1,500 as lease amount to the Devaswam Department was brought to the notice of the Municipality before the time when a sum of Rs. 28,513 was spent by the Trichur Municipality for the purpose of constructing this dwarf wall and foot-path?

Mr. P. J. George *(Joint Secretary to Government):* There is no information. I want notice.

Mr. K. Kochukunhan Kaimal *(Vadakkancheri):* Before the work was taken, there was some arrangement arrived at between the Devaswam Commissioner and the Municipality. What was that arrangement?

Mr. P. J. George *(Joint Secretary to Government):* There might have been some understanding.....

Mr. President: You have not studied the files. If you do not know about a thing, say "I want notice". You answer "It might have been", etc. It is an unwarranted statement. You say "I want notice".

I have repeatedly stated that Members of the Government side must be prepared with answers, and that they must study the files properly. Their duties are not simply to read the answers printed in the book. I have very often found the hon'ble members saying "I want notice". This is most unwarranted.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. C. R. Iyyunni *(Trichur-South):* Is it not just possible that if the Trichur Municipality had to pay Rs. 1,500 per year as lease amount, they may not have undertaken the work of dwarf wall and construction of the foot-path.

Mr. P. J. George *(Joint Secretary to Government):* I have no information.

Mr. A. B. Salem *(Mattancheri):* May I know, Sir, why such an understanding was not made before-hand?

Mr. P. J. George *(Joint Secretary to Government):* There was no necessity.

Mr. C. R. Iyyunni *(Trichur-South):* May I know whether at the time when the *Paramba* round the Vadakkunnathan Devaswam temple was handed over by the Devaswam authorities, there was any order of the Government that such of the rights that are existing will remain uninterrupted?

Mr. P. J. George *(Joint Secretary to Government):* There was an understanding.

മിസ്റ്റർ ടി. കെ. നായർ: തേക്കുംകോട്ട് മൈതാനത്തിൽക്കൂടി ആളുകൾക്ക് നടക്കുവാൻ തൃശ്ശിവപേരൂർ മുനിസിപ്പാലിറ്റിയിൽനിന്നും ദേവസ്വത്തിലേക്ക് വല്ല വാടകയും കൊടുക്കുന്നുണ്ടോ?

മിസ്റ്റർ പി. ജെ. ജോഷ്വ: ഒന്നും കൊടുക്കുന്നില്ല.

മിസ്റ്റർ ടി. കെ. നായർ: അതുപോലെ അവിടെ പുറമെനിന്നും വരുന്നവർക്കും നാട്ടുകാർക്കും ഉപയോഗിക്കുവാനുള്ളതല്ലേ ആ ഫുട്പാത്ത്?

മിസ്റ്റർ പി. ജെ. ജോഷ്വ: അതെ.

മിസ്റ്റർ ടി. കെ. നായർ: പിന്നെ മുനിസിപ്പാലിറ്റിയോട് ചോദിക്കാതെ ഈ ഫ,ഇ൦൦ കെ. പിരിക്കുന്നതിന്റെ അർത്ഥമെന്താണ്?

Mr. P. J. George *(Joint Secretary to Government):* Anyhow, that is Devaswam land that is handed over to the Municipality for making the footpath for the convenience of the public and the Devaswam had spent about Rs. 50,000. For the maintenance of the Maidan, etc., also they are spending about Rs. 2,000 per annum. So it is only equitable that the Municipality should pay a decent amount to the Devaswam.

Mr. C. R. Iyyunni *(Trichur-South):* May I know whether the Devaswam Department do spend a single pie for the maintenance of the footpath and the dwarf wall?

If it is maintained by the Devaswam authorities, the Municipality may be asked to contribute a certain portion for the use of that particular plot of ground, but with regard to this foot path and dwarf wall, why should they pay anything at all?

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. P. J. George *(Joint Secretary to Government):* Mutual understanding.

Mr. A. B. Salem *(Mattancheri):* Do not the worshippers of the temple use this foot path?

Mr. C. R. Iyyunni *(Trichur-South):* Does it not form part of the duty of the Commissioner to consult the Municipality before fixing any amount to be paid by the Municipality?

Mr. P. J. George *(Joint Secretary to Government):* Not so in all cases.

Mr. V. J. Mathai *(Planters):* Is the dwarf wall necessary for the foot path?

Mr. P. J. George *(Joint Secretary to Government):* It is necessary for the convenience and decent appearance.

Mr. A. B. Salem *(Mattancheri):* May I take it that the Commissioner of the Trichur Municipality did not consult the Municipality?

Mr. P. J. George *(Joint Secretary to Government):* There is no information here.

Mr. C. V. Iyyu *(Kunnamkulam):* The Hon'ble Joint Secretary stated that the Commissioner need not consult the Municipality in all cases. Will the Government be pleased to state those exceptional cases?

Mr. President: That is left to the discretion of the Commissioner.

Mr. C. V. Iyyu *(Kunnamkulam):* Will the Government be pleased to consider this matter?

Mr. President: I suppose this order has been communicated to the Municipal Council, Trichur.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* They have not provided this amount in their budget and when the question of payment comes they will consider it.

Mr. President: Government will consider when the Municipal Council makes any representation. It is one of the recognised rules of Parliamentary procedure that when by the very Act of a legislature powers have been delegated to another authority the legislature does not interfere in detailed questions relating to those powers. For example, the Speaker in the House of Commons does not allow questions being asked about the Indian Legislature to which powers have been delegated by the Government of India Act. So, like that, if the Municipality of Trichur has got any grievance about this order it is

LIBRARY ARCHIVES Kerala Legislative Assembly

for them to fight with the Government. Nothing has been done and the Legislative Council has nothing to do. It is purely a Municipal affair.

Mr. C. R. Iyyunni *(Trichur South):* It is not merely that. I represent the Trichur Municipality. This is an order passed by the Government imposing upon the Municipality to pay a certain amount. Certainly I am entitled to question upon the right of the Government to pass an order without consulting the Municipality with regard to the payment.

Mr. President: The whole point is this. Because the hon'ble member had the right to ask, it has been admitted. Otherwise the President would have disallowed the question itself. But I am suggesting a procedure which would establish a healthy convention to save the time of the House. If the hon'ble member is a Member of the Trichur Municipality, naturally without the knowledge of the Municipal Council, this payment cannot be made. It is for him to raise all those points in the Municipal Council and make the Municipal Council send a representation to the Government, and if finally the Government, after hearing the representations, come to the same decision, then it is for this House to take up the question.

Mr. C. R. Iyyunni *(Trichur-South)* Before the Government passes an order in such matters, the Municipality may be consulted. That is the only point.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* The Municipality will never pay this amount. At the time when the question comes, it will be considered.

Mr. President: Very frequently questions relating to the Municipal Administration are discussed in detail here. They are all subjects which must form matters of discussion in the Municipal Councils themselves. This is a typical case in point. An order of the Government has been communicated to the Municipality. If the Municipality is aggrieved, then the matter may be taken to the notice of the Government, for final orders. When that representation comes, the Government will decide.

MALAYALAM IMPROVEMENT COMMITTEE— EXAMINATION OF ACCOUNTS

487. Mr. C. V. Iyyu *(Kunnamkulam):* Will the Government be pleased to state.—

(*a*) whether the Director of Public Instruction deputed a clerk from his office to go through the accounts of the Malayalam Improvement Committee;

LIBRARY ARCHIVES Kerala Legislative Assembly